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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,593	06/29/2001	David C. Ashby	A-23	9718

7590 01/22/2004

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10121 MILLER AVENUE
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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/897,593

Applicant(s)
David C. Ashby

Examiner
Pierre E. Elisca

Art Unit
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/15/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

RESPONSE TO AMENDMENT

1. This Office action is in response to Applicant's amendments, filed on 06/30/2003, 07/02/2003, and 12/15/2003.

2. Claims 1-25 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitmyer (U.S. Pat. No. 5,895,468) in view of Brown (U.S. pat. No. 6,571,141).

As per claims 1, 3-4, 6, and 8-12 Whitmyer substantially discloses a device for automatically delivering professional services to a client. The device includes a computer and a database containing a plurality of client reminders. The device also includes software executing on the computer for automatically querying the database by date to retrieve a client reminder, for automatically generating a client response (which equivalent to Applicant's claimed invention wherein it is stated that a docket management comprising:

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a control structure including a processor configured to execute a control program and communicate with a user (see., abstract, col 5, lines 38-56, specifically software executing on the client computer receives the merged client email...);

A memory coupled to the processor and configured to store a plurality of records associated with a project, and a plurality of records storing attributes including access levels associated with a plurality of users (see., abstract, figs 1, and 2, item 14, col 3, lines 16-45);

an authorization structure coupled to the processor and configured to selectively allow the users to log into the control structure and access the records to selectively add, modify and read project records depending on the users' access levels (see., abstract, col 3, lines 46-67, specifically wherein it is stated that the individual professional responsible for the client, generating a transfer of funds authorization and transferring the authorization to a bank..., fig 1, item 14/update, it is inherent to recognize that the item 14/update can add, edit modify and delete users respective attributes);

A communication structure coupled to the processor including a notification structure configured to periodically distribute information to project personnel based on predefined criteria including dates or activities (see., col 5, lines 38-56, and the processed of predefined criteria including dates see., col 1, lines 5-6, specifically wherein it is stated that replies for client due dates). It is to be noted that Whitmyer fails to explicitly disclose Applicant's newly added limitation wherein said the authorization structure including administrative access control that allows selectively granting access levels to project personnel. However, Brown discloses a security system 110 that compares the username and password with an internal database, set or list to determine the user's level of access. If the user is

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not a program administrator, the user has access to the motion control component (see., abstract, col 6, lines 41-56, col 9, lines 30-37). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the automating delivery of Whitmyer by including the limitation detailed above as taught by Brown because this would limit access to certain project records.

As per claim 2, Whitmyer discloses the claimed limitations of authorizing structure provides the ability for a user with an administrative access level to add, edit, modify and delete users and their respective attributes including access levels (see., col 5, lines 38-56, fig 1, item 14/update, it is inherent to recognize that the item 14/update can add, edit modify and delete users respective attributes).

As per claims 5, and 7 Whitmyer discloses the claimed limitations wherein the memory is configured to store documents along with attributes including a date stamp or due dates; and the communication structure is configured to electronically publish a document on the internet and display the date stamp attribute associated therewith (see., col 1, lines 5-6, fig 1, item 14).

5. Claims 13-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitmyer (U.S. Pat. No. 5,895,468) in view of Brown (U.S. pat. No. 6,571,141), and further in view of Biffar (U.S. Pat. No. 6,205,435).

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As per claims 13-25, Whitmyer and Brown disclose the claimed limitations as stated in claim 1 above. It is to be noted that Whitmyer and Brown fail to disclose an escrow structure and payment plan. However, Biffar discloses a self-contained payment that includes an escrow account 30 and a payment option or plan (see., col 2, lines 16-21, col 3, lines 49-67). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Whitmyer and Brown by including the limitation detailed above as taught by Biffar because this would limit access to certain project records.

REMARKS

6. In response to claims 1-5, and 11-12, Applicant argues that the prior art of record do not disclose: “ an authorization structure coupled to the processor and configured to selectively allow the users to log into the control structure and access the records to selectively add, modify and read project records depending on the users’ access levels”. Based upon the foregoing rejection indicated above, it is believed that the Whitmyer’s reference discloses the limitation (see., abstract, col 3, lines 46-67, specifically wherein it is stated that the individual professional responsible for the client, generating a transfer of funds authorization and transferring the authorization to a bank., fig 1, item 14/update, it is inherent to recognize that the item 14/update can add, modify and read users respective attributes).

In response to claims 6-10, Applicant argues that the prior art of record fail to disclose: “ wherein the communication structure includes an electronic filing structure configured to electronically file a

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document with another computer system; and wherein the memory is configured to store attributes of the document including a date stamp". As noted in the Office action mailed on 09/03/2003, it is also believed that the Whitmyer's reference discloses this limitation see., col 1, lines 5-6, fig 1, item 14, specifically wherein said an automated system for preparing reminders and soliciting replies for client due dates or (due dates or date stamp).

Conclusion

7. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687


Pierre Eddy Elisca

Primary Patent Examiner

January 12, 2004